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Farewell to the Chief

James A. Albert

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When the Chief's sparkling eyes closed forever on February 28, 1997, his loving daughter, Mary Kennedy, found the small green Bible he always carried in his pocket. In the Chief's inimitable handwriting on a frayed page placed inside the cover was this prayer:

> I expect to pass this way but once, any good therefore that I can do or any kindness that I can show to any fellow creature, let me do it now. Let me not defer or neglect it, for I shall not pass this way again.

The Chief magnificently exceeded those aspirations and lived each day of his wonderful life by those words. And we who were his students during his thirty grand years at Notre Dame saw the infinite good he did and the incalculable kindnesses he bestowed. After all, we were the most immediate beneficiaries of his humanity.

Jack Broderick was a vivacious classroom professor, radiating both total fluency in his fields and excitement in being present sharing it. In the hallways, he was so glad to see you he would beam—a glowing flare in the night that, at times, is law school. In his office, he was a wellspring of encouragement, good cheer, and help.

It was genuine. I remember him always saying, "You are your brother's keeper." And to someone as selfless as the Chief, everyone was his bother. He told his family at dinner one night early in his career that he was determined never to say "no" to any student who ever came to him for help. Day after grinding day and decade after grayer decade, he cheerfully did anything for any student, even if it meant staying in his office long past midnight and getting four hours of sleep.

During the last six weeks of his life, as he laid in his hospital bed in increasing pain, he was urgently giving instructions to his daughter

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to write several letters, in the Chief's name, on behalf of former students who were job hunting: "Tell him I know the State's Attorney in Chicago, and I'll call him." To an undergraduate student desperately trying to gain admission to Notre Dame, the Chief, flat on his back, said he'd call Father Ted to see if anything could be done. The frenetic pace of the Chief's office simply changed venues. As long as Jack Broderick's heart beat, it beat for others.

Being his brother's keeper drew the Chief across species lines as well. He was the keeper of every stray cat and starving bird in South Bend his last winter. At eighty-seven years of age, Broderick got up every morning at 4:30 a.m. to drive all the way out to Roseland to feed a scraggly pack of wild, stray cats who relied on him. One of them had only one ear, another was missing its tail. It was pitch black out, but he loaded up his car, which smelled like a tuna boat, with a seat full of bowls, dishes, and tubs, and away he went. "They won't make it through the winter without me," he explained.

In his last days in the hospital, he excitedly asked each day if his daughter was giving his strays the fancy albacore tuna he always bought for them—and he cross-examined her to make sure the brand she was buying was dolphin safe. Desperately ill and with his own heart flagging, the Chief's thoughts were with a dozen defenseless cats and an unseen school of dolphins at the bottom of some ocean.

Jack Broderick loved to vacation in Ft. Lauderdale where he walked along the ocean at sunrise. As he made his way along the beach every morning, he stopped every few feet. In front of him were small tidal pools where tiny fish and starfish lay stranded. For as far as he could walk, Jack reached down, carefully scooped them up and threw them back into the ocean so they wouldn't die in the hot sun. When a lifeguard once told him condescendingly that he was wasting his time because dozens of other fish would be in those same pools the next day, the Chief snapped back, "Then I'll come back tomorrow for them!"

The only time the Chief's old friend Father Murray ever saw him cry was in the 1960s. The two of them were driving down Notre Dame Avenue late at night when the Chief spotted a black cocker spaniel beside the road and stopped. When he got out of the car, he saw the mother dog standing over her little puppy, which had been run over. She was tugging at the dead puppy, trying to pull it off the road. The Chief just sobbed. He had the biggest heart.

The Chief's life was on fire. Like a comet, he roared past each of us in his orbit. He was an exemplar of integrity, a pillar of strength, a fighter.

There were many personal tragedies in the Chief's life that few others knew about. No complainer, Jack kept them to himself. His deep religious convictions and personal determination to live the life of an unbridled optimist forged his metal. Only someone as tough as steel would start all over at sixty-five years of age and move to North Carolina. There, at the new Campbell Law School, the Chief earned the love and affection of another generation of lawyers and, into his eighties, did the work of five junior professors. He was indefatigable. And Louise, his devoted wife and partner, stood strongly with him every inch of the way for more than sixty years.

They tell the story at Campbell of the invitation the Chief received to join a senior citizens' swim on campus. When he arrived in his suit that night, everyone else was planning to wade around and do some mild water aerobics. The Chief took one look, found a full lane for himself, swam forty laps without stopping, thanked the rest of them for their hospitality, and went back to his office for several more hours of work. He was in his seventies at the time.

The Chief lived every day of his life with boundless passion. His life was a whirlwind that he stirred with a gleam in his eyes and with joyful flair. He was brilliant, of course, a Rhodes scholar and Phi Beta Kappa who had four collegiate majors, including Greek and Latin. But, like Cicero, the Chief was playful. He was witty and hilariously funny. There was definitely Leprechaun in him.

The kid in Jack came out on the afternoons before home football games, as he jumped up on a table in the student lounge to the workmanlike strains of the "Notre Dame Victory March" played by his own pep band. Trumpets, saxophones, clarinets, and trombones combined with kazoos and duck calls to set the stage for the Chief's corny jokes, guest appearances by the festooned Notre Dame cheerleaders, and plucky comments from the coaches. It all culminated in the Chief bounding over to a blackboard to scrawl out his prediction for the game, after going through scouting reports and his own lengthy explanation for his calculation—NOTRE DAME 300, SOUTHERN CAL 5. Everyone roared.

But let no one forget the unwavering substance of this man, how thoughtful he was, and how deeply held was his sense of justice.

More than anything, the Chief despised cruelty or injustice in any form. He simply could not stand it. He recoiled at racial discrimination and spoke out forcefully against it. To those in positions of power or advantage who would show no compassion for the less fortunate, he would bristle. To the conceited and arrogant, he would burst out laughing.

He punctuated his days with memorable phrases. Rejecting the argument that administrative convenience was sufficient justification for a court's decision, he recalled Italy during Mussolini's reign: "The trains ran on time, but the people had no rights." If someone said something with which he strongly disagreed, he would quite pleasantly mutter, *"De Gustibus Non Est Disputandum,"* as the offending party smiled in ignorance. ("In matters of taste, there is no point in arguing, and your taste, buddy, well . . . .") He knew we would all face frequent adversity and he counseled, *"Illigitimus Non Carborandum."* ("Don't let the bastards grind you down.") And almost daily he would offer this insight on life: "Many are cold, but few are frozen." (No one ever knew exactly what he meant by that, but apparently it was the Chief's pun on the phrase "many are called but few are chosen.")

While with the FCC in Washington, D.C., three years after graduating from law school, I spent a week-end with the Chief and Louise in their home in North Carolina. When I confided that I felt unfulfilled and wondered if there were more to life, it took him one second to chart the next eighteen years of my life: "Become a law professor like I did and you will make a difference with your life. Let's do it." With Jack's help, I was teaching law within six months. And with his constant guidance and friendship these eighteen years, I have attempted to capture the zest he had for life, the passion he felt for others and, in truth, to be for my students the kind of professor Jack Broderick was for us.

I dedicated one of my books to him, and whenever awards have come my way for teaching, I have said that the accolades belong to the Chief. The only thing I have done is to follow his lead.

He touched us all, or rather, to use a more active verb since the Chief was anything but passive, he reached out and grabbed us with his ebullience, his generosity, his warmth. As he did to everyone who intersected his extraordinary life: the cafeteria worker and the janitor whose names he knew and for whom he had so much affection, the starving cat, and the lonely student with one last best hope.

We have every reason in the world to love him and to cherish his memory in our hearts forever.